1978·81 Summary of Activities

Human Rights. Everybody's Business.

Nova Scotia
Human Rights
Commission

Nova Scotia Human Rights Commission

Chairman

Dr. W.A. MacKay
President
Dalhousie University
Halifax, N.S.

Commissioners

Mr. Noel Doucette
St. Peter's

Dr. F.R. MacKinnon
Halifax

Ms. Clara Cook
North Sydney

Ms. Diane Ashworth
Halifax

Mr. Ernest Surette
Yarmouth

Mr. David Hill
Dartmouth

Mr. George Davis, Q.C.
Halifax

Director

Dr. George F. McCurdy
Halifax

Head Office

Lord Nelson Arcade (3rd Floor)
P.O. Box 2221
Halifax, N.S. B3J 3C4
Phone: 424-4111 — 424-7690

Regional Offices

68 Water Street
P.O. Box 1029
Digby, N.S. B0V 1A0
Phone: 245-4791

Provincial Building
Prince Street
Sydney, N.S. B1P 6L1
Phone: 539-5204

185 Provost Street
P.O. Box 728
New Glasgow, N.S. B2H 2P8
Phone: 752-3086

Provincial Building
Yarmouth
c/o P.O. Box 1029
Digby, N.S. B0V 1A0
Phone: 245-4791
(part-time)

39 Pictou Road
Bible Hill Village
Truro, N.S. B2N 2R9
Phone: 895-4880
(part-time)

Introduction

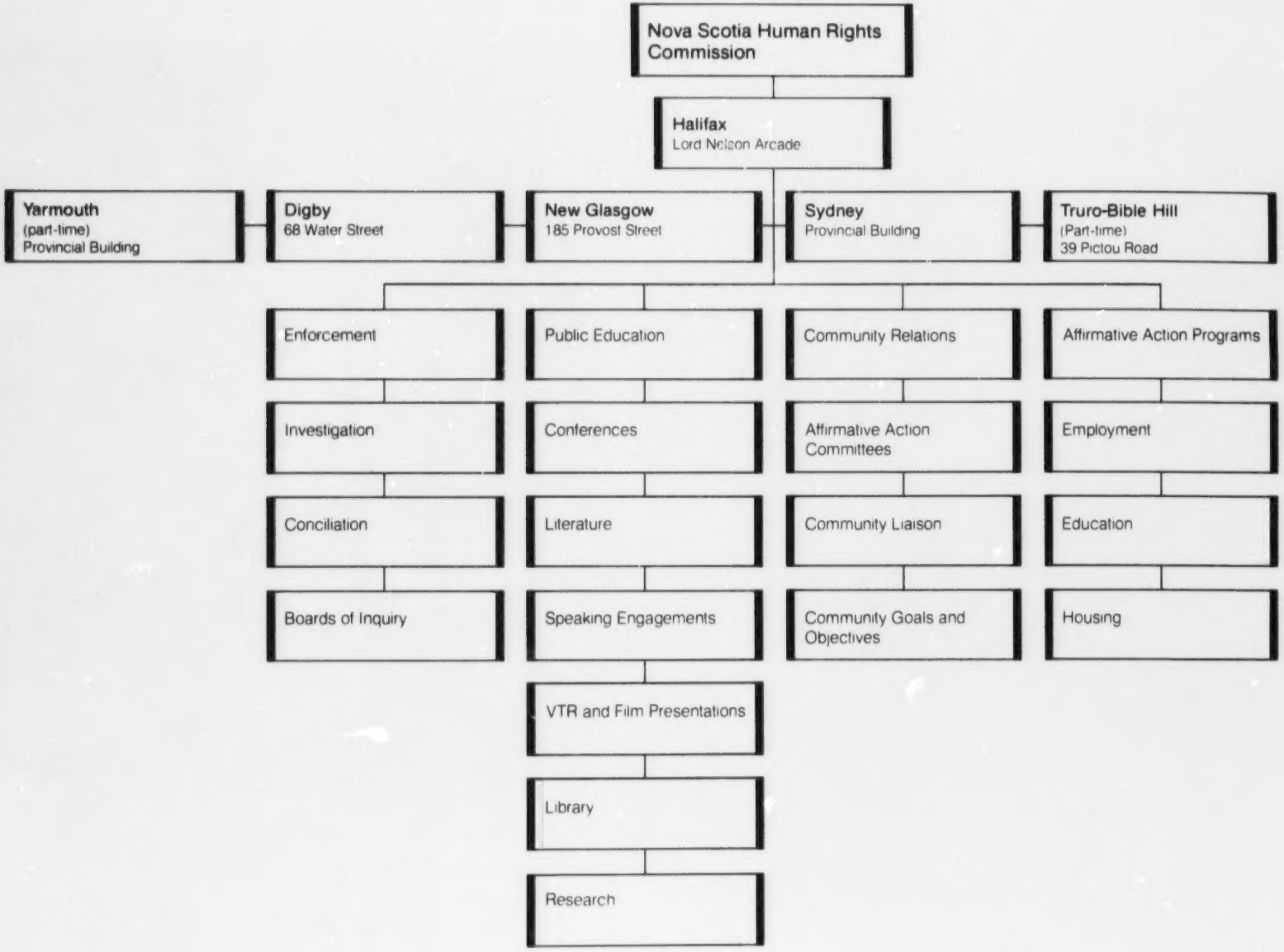
I am pleased, as Minister in charge of administration of the Human Rights Act, to present this Summary of Activities, 1978-81, bearing the theme: "Human Rights — Decade 111".

The Nova Scotia Human Rights Commission has not travelled all of the distance that has to be travelled in the difficult area of human rights, but an increasing number of Nova Scotians has been given a great deal more hope in our province by the Commission's significant activities in the areas of enforcement, public education, affirmative action in employment, housing, education and community relations.

This report reflects the Commissions synthesis of ideas relative to the letter and spirit of the Statute. Progress has been dramatic and highly visible in many areas. Countless Nova Scotians have made meaningful contributions toward the positive momentum in human rights over the past three decades. I am confident there will be on-going progress and change in human rights in our province, because the overwhelming majority of Nova Scotians are committed to giving priority to human rights.

R. Laird Stirling

Hon. Laird Stirling, Minister in charge of the administration of the Human Rights Act, signs the Commission's first affirmative action agreement with a construction company, Latimer Construction Limited. Human Rights Commission Director, George F. McCurdy, looks on.


Nova Scotia Human Rights Commission
Halifax
Lord Nelson Arcade
Yarmouth
(part-time)
Provincial Building
Digby
68 Water Street
New Glasgow
185 Provost Street
Sydney
Provincial Building
Truro-Bible Hill
(Part-time)
39 Pictou Road
Enforcement
Investigation
Conciliation
Boards of Inquiry
Public Education
Conferences
Literature
Speaking Engagements
VTR and Film Presentations
Library
Research
Community Relations
Affirmative Action Committees
Community Liaison
Community Goals and Objectives
Affirmative Action Programs
Employment
Education
Housing

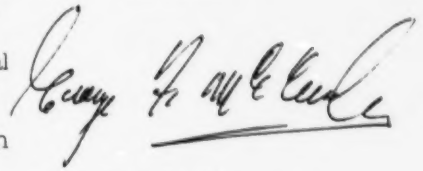
Preface

I am pleased to present this Summary of Activities, 1978-81, dedicated to the countless Nova Scotians who have made notable contributions to human rights, as a sincere effort to report on current Commission activities and to trace the development of human rights over the past three decades.

The theme "Human Rights — Decade 111" appropriately reflects the sustained effort to promote the principles of freedom, justice and equality of opportunity in Nova Scotia. It has been contrary to public policy to discriminate on grounds of race, religion, creed, color and ethnic or national origin mainly in the areas of employment, accommodations, services and facilities, occupancy or term or condition of occupancy of any commercial unit or self-contained unit, transfer of or interest in property, employment advertisements, for the better part of three decades. We have seen a deepening awareness of human rights and heightened commitment in successive provincial proclamations of the "Decade for Action to Combat Racism and Racial Discrimination", "Decade for Women", "Year of the Child" and "International Year for Disabled Persons."

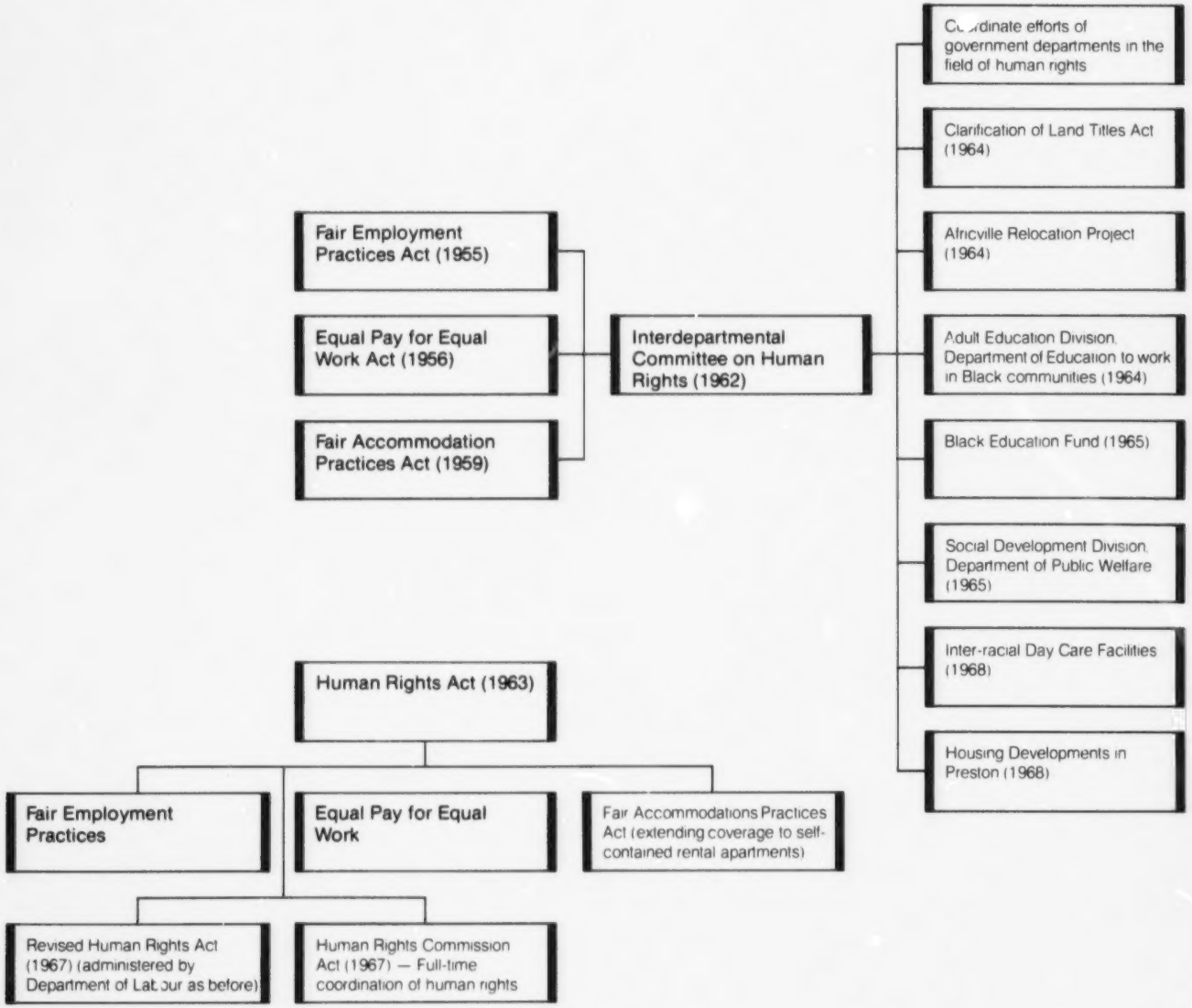
We have been moving through a period of great social change in the direction of equal rights for more and more constituent groups in our province. You will observe the extent to which the definition of human rights has been broadened to afford greater protection to the victims of prejudice and discrimination on the basis of sex, physical handicap, age and marital status. In the majority of Nova Scotian communities, affirmative action in employment programs, human rights affirmative action committees (community relations), and students' human rights conferences (held in 86 public schools in the province) have had the positive, innovative involvement and support of Nova Scotians from every walk of life.

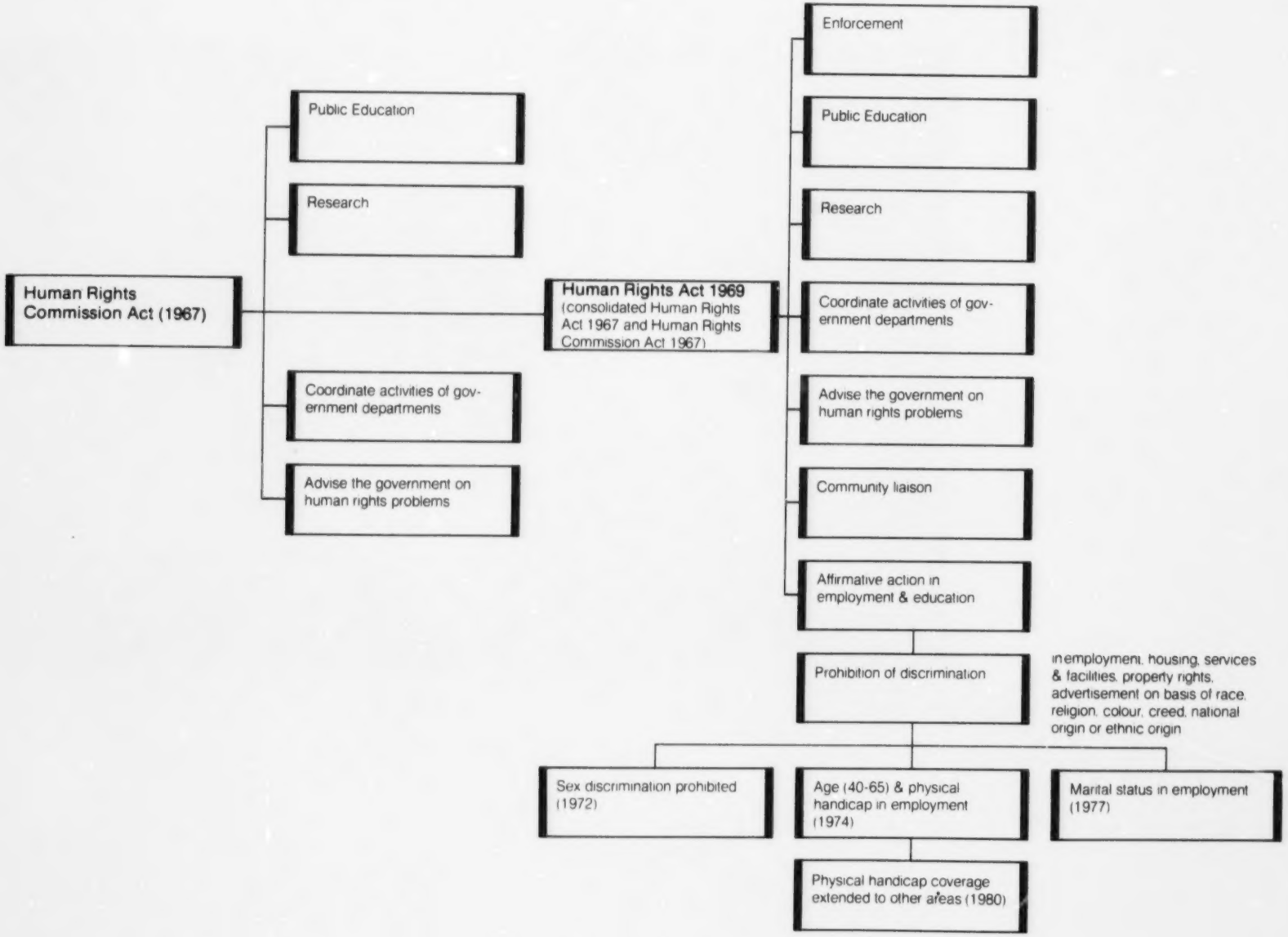
We have witnessed positive leadership in human rights from the various levels of government, the corporate community, education, the labor movement, community organizations, ethno-cultural groups and other important sectors of the province. Therefore, it is perhaps timely and expedient to reflect on achievements, failures and unfinished business in human rights, at a time when the Nova Scotia Human Rights Commission hosts the 34th Annual Conference of the International Association of Official Human Rights Agencies, July 11-16, 1982.



by G. F. McCurdy
Director, Nova Scotia
Human Rights Commission

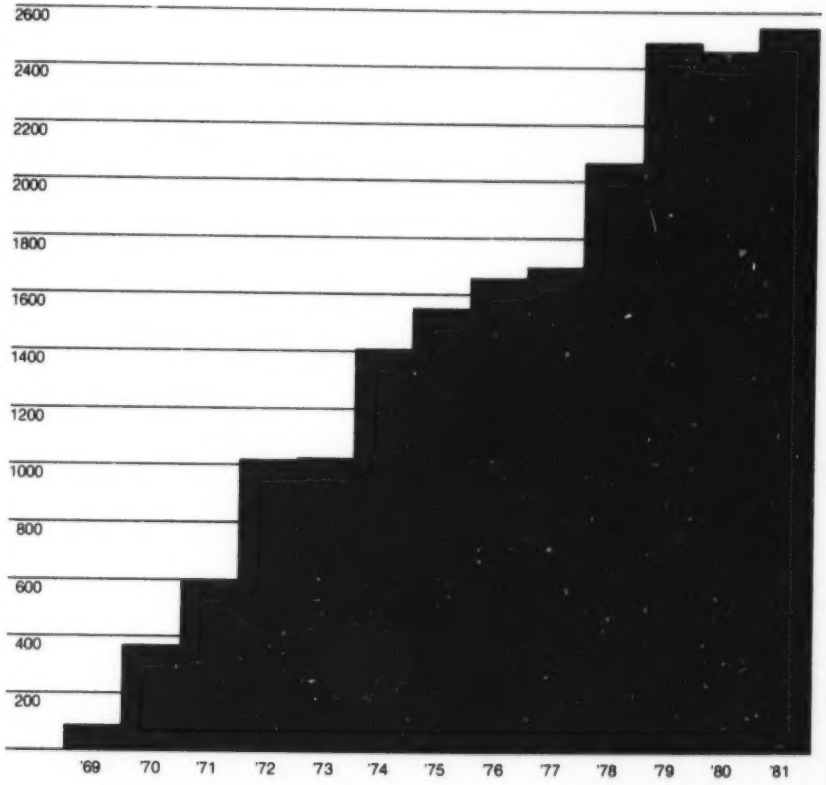
Evolution of Human Rights Legislation


Fair Employment Practices Act (1955)
Equal Pay for Equal Work Act (1956)
Fair Accommodation Practices Act (1959)
Interdepartmental Committee on Human Rights (1962)
Co-ordinate efforts of government departments in the field of human rights
Clarification of Land Titles Act (1964)
Africville Relocation Project (1964)
Adult Education Division, Department of Education to work in Black communities (1964)
Black Education Fund (1965)
Social Development Division, Department of Public Welfare (1965)
Inter-racial Day Care Facilities (1968)
Housing Developments in Preston (1968)
Human Rights Act (1963)
Fair Employment Practices
Equal Pay for Equal Work
Fair Accommodations Practices Act (extending coverage to self-contained rental apartments)
Revised Human Rights Act (1967) (administered by Department of Labour as before)
Human Rights Commission Act (1967) — Full-time coordination of human rights


Human Rights Commission Act (1967)
Public Education
Research
Coordinate activities of government departments
Advise the government on human rights problems
Human Rights Act 1969 (consolidated Human Rights Act 1967 and Human Rights Commission Act 1967)
Enforcement
Public Education
Research
Coordinate activities of government departments
Advise the government on human rights problems
Community liaison
Affirmative action in employment & education
Prohibition of discrimination
in employment, housing, services & facilities, property rights, advertisement on basis of race, religion, colour, creed, national origin or ethnic origin
Sex discrimination prohibited (1972)
Age (40-65) & physical handicap in employment (1974)
Marital status in employment (1977)
Physical handicap coverage extended to other areas (1980)

Human rights certificates of merit are presented to outstanding Nova Scotians who have forwarded the cause of human rights in the province. Rev. P. Albert Best of Yarmouth receives his award from the Minister in charge of the administration of the Human Rights Act.

Complaints



1969	85
1970	317
1971	591
1972	1019
1973	1022
1974	1402
1975	1549
1976	1655
1977	1700
1978	2070
1979	2496
1980	2471
1981	2545
Total	**18,922**

The King vs Desmond

In 1946, in New Glasgow, N.S., Viola Desmond, a Black woman, was charged in the Magistrate's Court for entering a theatre without paying the tax imposed by Section 8 of the Theatres, Cinematographs and Amusement Act of 1923.

Viola Desmond had purchased a ticket which was valid for admission to the upstairs portion of the theatre. The ticket for the downstairs portion meant an additional tax of **one cent.** Viola Desmond offered to pay the one cent but her offer was not accepted and a police officer carried her from the theatre and she spent the night in jail.

In court the next day, she was found guilty, without the benefit of legal representation and fined

$20.00 and costs. She failed to lodge an appeal within the ten days allowed because she alleged she had been injured during the arrest. She, therefore, applied for a writ of certiorari to quash the conviction but this was denied by the four judges of the Supreme Court of Nova Scotia who heard the application.

Mr. Justice Hall, who agreed with his fellow judges that a writ did not lie, said that if this matter had reached the court by some method other than certiorari, "there might have been opportunity to right the wrong done this unfortunate woman." He further stated, "One wonders if the manager of the theatre who laid the complaint was so zealous because of a bona fide belief there had been an attempt to defraud the Province of Nova Scotia of the sum of one cent, or was it a surreptitious endeavour to enforce a Jim Crow rule by misuse of a public statute."

'Law is among the most important means of ensuring equality between individuals and one of the most effective means of combatting discrimination.'

Guidelines for Investigating Complaints of Discrimination

The Nova Scotia Human Rights Act makes it unlawful for any person, whether employer, employers' or employees' organization, professional association, business organization, or property owner or agent, to discriminate against any individual for reasons based on **race, religion, colour, creed, sex, ethnic or national origin, age (40-65), or physical handicap or marital status.**

It is important to file your complaint as soon as possible after the act of discrimination.

1 The person who alleges discrimination makes a complaint on a prescribed form, available at any office of the Human Rights Commission. The complaint form is a simple statement of basic facts of the alleged act of discrimination.
2 The Commission is also empowered to initiate an investigation and to seek settlement where it has reasonable grounds for believing that a complaint exists.
3 The complaint is then assigned to an officer for investigation. Human Rights Officers are professionals trained to conduct investigations in a fair, impartial and objective manner. Investigation is carried out consistent with the principles of natural justice.
4 The investigating officer will interview the complainant and may interview witnesses, as well as the respondent, to examine the issues in the complaint. The respondent will be given reasonable time to respond, whenever such time is required.
5 The officer is empowered to visit, at all reasonable times, the premises to which a complaint refers and may require any person to furnish any information or records that may be necessary to further the investigation.
6 Where an officer is denied access to the premises or is denied information or records, the Commission can apply to the Supreme Court of Nova Scotia for a judicial order.
7 At the conclusion of the investigation, officers of the Commission will attempt to conciliate the dispute and arrive at an amicable settlement acceptable to all parties. This is a requirement of the law, and experience has shown that it is possible to resolve most complaints. To protect confidentiality, the only parties who are allowed to be present at the settlement proceedings are persons named in the complaint as complainants or respondents or as victims of the alleged violation and/or their legal counsel. All other interested persons are allowed to make representations to the Commission, but are not entitled to be present at the conciliation proceedings.
8 Failing settlement, the Commission reports to the Minister, who may appoint a board of inquiry. The board shall conduct a public hearing and all parties have the opportunity to present evidence

and to make representations. The board may add, as parties, such persons as it considers necessary, but only after these persons have an opportunity to oppose the board's intention to add them as parties.

9 Where the board is unable to settle by agreement between the parties, the board shall continue the public inquiry.

10 The board is empowered to decide on questions of fact or law or both, and also whether a violation has occurred or not. If a violation has taken place, the board may order any party who has committed the violation to do anything to fully comply with the law, to rectify any injury caused or to compensate for it.

11 A party to the hearing can appeal to the Supreme Court of Nova Scotia against the decision of the board of inquiry. This appeal is limited to questions of law only.

12 The Act provides for prosecution of those who violate its provisions or who fail to comply with any order made under the Act. The written consent of the Minister is required for a prosecution. The law provides for fines up to $500 in the case of individuals and $1,000 in the case of persons other than individuals.

13 Where a person has been convicted of an offence under the Act, the Minister can apply to the Supreme Court of Nova Scotia for an order to prohibit the person from continuing the offence.

1978-81 Area of Formal Complaints

		%
Employment	281	68.9
Housing	56	13.7
Services	69	16.9
Advertisement	2	.5
Total	**408**	**100.0**

Basis of Formal Complaints

Race		**%**
Blacks	166	40.7
Native People	17	4.2
East Indians	18	4.4
Chinese	8	2.0
Ethnic or National Origin		
Acadians	3	.7
Other	5	1.2
Sex	120	29.4
Discrimination		
Marital Status	11	2.7
Age	21	5.2
Physical Handicap	33	8.1
Religion — Creed	5	1.2
Reprisal	1	.2
Total	**408**	**100.0**

Complaints 1978-81	
Formal	408
Informal	9,174

Disposition Formal Complaints

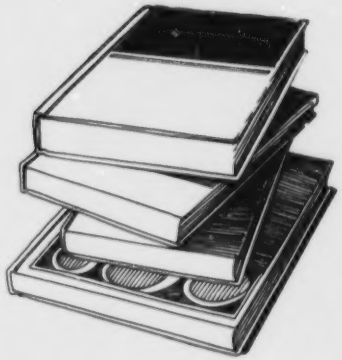
Resolved	277
No probable cause	55
Withdrawn	48
No jurisdiction	3
Boards of Inquiry	11
Investigation Continuing	15
Total	**408**

Formal Complaints
All those complaints which can be classified under race, religion, colour, creed, sex, ethnic or national origin, physical handicap and, in the area of employment, age (40-65) and marital status.

Informal Complaints
All those complaints in which the Commission plays a helping role but which cannot be dealt with under the formal coverage of the Act.

An officer at the Human Rights Commission takes the details on a complaint of discrimination.

From Our Casebook



A Case of Physical Handicap in Employment Conciliated

A man was interviewed for a position in the local office of a national firm. He received a letter offering him employment on the condition that he successfully undergo a medical examination. Although his family doctor stated he was in excellent health, the medical report showed the man had been operated upon for the removal of a tumour and was currently undergoing chemotherapy. The company's position, therefore, was that he did not pass his medical examination. The man brought his complaint to the Human Rights Commission claiming he was discriminated against because the company perceived that he was physically unfit.

After investigation and conciliation of the complaint the company agreed to hire the applicant. He was also granted full company benefits. The company further assured the Human Rights Commission there would be no reprisal directed towards the complainant.

Conciliation in a Case of Sexual Harassment

A young woman worked for a local firm for a period of several months. During that time, she was approached and propositioned by the owner/manager who indicated her position in the company would be enhanced if she complied with his wishes. She refused his advances. Sometime thereafter, the propositions began again and, although she continued to refuse, the woman was harassed both in the workplace and by repeated calls to her home.

The woman brought her complaint, alleging sexual harassment, to the Human Rights Commission. The respondent admitted he had made advances to the woman but stated he had not indicated that her terms or conditions of employment would be affected by her refusal. Furthermore, he said he had ceased his advances upon being refused by her.

Investigation by the officer showed the woman had been sexually harassed, her position had been threatened and the harassment had been continuous.

As a result of conciliation efforts by the Commission, the respondent agreed to provide the complainant with a letter of reference and also paid the sum of $3,500 for pain of mind.

Sex Discrimination in Employment

A female third-year university student was referred by Canada Employment and Immigration Commission for a summer position of "counter person" at a car muffler shop. The manager interviewed her and indicated to her that he would decide the next day on whom he would hire. When she telephoned him the next day he told her that the other employees, all male, had informed him that they would feel uncomfortable working with a woman. The counter person, besides meeting the public, was required to work in the stock room and also assist with installation of mufflers.

The woman then filed a complaint with the Commission alleging discrimination on the basis of sex. She contended that she was the most qualified applicant on the basis of education, related work experience and knowledge of automobiles. She had previous experience as an instructor of basic auto mechanics. She was the only female who had applied for the position.

After investigation and during conciliation, the complainant was offered a counter person position in another outlet (also in metro) operated by the company. The

complainant had to turn down this offer since she had found alternative employment in the interim. The company, therefore, compensated her financially in the sum of $500. The company also agreed to display the Nova Scotia Human Rights Scroll in all their outlets in the province.

A Case of Colour Discrimination in Room Rental

A Black person filed a complaint alleging discrimination against a Halifax landlord for denying him occupancy of a room. According to the complainant, he telephoned a number in response to an advertisement in the newspaper for a room to rent. He ascertained the room was vacant and arranged to view it the same afternoon. Upon arriving, he was told by the caretaker that the room had been rented 10 minutes prior to his arrival. On the next day, he again phoned the same number and was informed that the room was available. He was invited to view the room. He then lodged a complaint with the Commission.

The Commission attempted to investigate the complaint, but, due to lack of co-operation by the respondent, it became necessary to apply to the Supreme Court of Nova Scotia for a court order. The respondent was ordered to provide the requested information and to pay $200 as costs.

After conciliation, the complaint was resolved on the following terms:
(1) The respondent furnished the complainant with a letter of apology which also affirmed his policy of non-discrimination.
(2) The respondent also paid the complainant a sum of $350 for expenses incurred, and for pain of mind and embarrassment caused. The complainant had, meanwhile, obtained alternative accommodation and was no longer interested in renting from him.

Board of Inquiry Mr. Noel Doucette vs Aberdeen Motel, Whycocomagh

Mr. Doucette, a native Micmac, lodged a complaint alleging that the Aberdeen Motel denied him "the enjoyment of accommodation, services and facilities, to which members of the public have access, because of his ethnic origin, contrary to Section 4(1) of the Nova Scotia Human Rights Act."

Following unsuccessful attempts at conciliation, the Commission referred the matter to the Minister in charge of the administration of the Human Rights Act. Judge R.W. McCleave was appointed as a one-man Board of Inquiry to investigate and seek settlement of the complaint.

Judge McCleave stated that he was "left in no doubt that the room was denied Mr. Doucette because he is a Micmac Indian". A room was offered to a white person immediately after Mr. Doucette was refused accommodation. The circumstances of the case revealed that the motel had been suspected of discriminatory practices for some time. Mr. Doucette's application for a room, followed immediately by a similar request from a white person, appeared to be designed to test the motel's policies. In ordering compensation, Judge McCleave stated that "something should be given the complainant for his trouble." He, therefore, ordered that "A Human Rights Scroll be displayed in a reasonably prominent part of the motel's general offices, where it may be viewed by the public; that a letter of apology be sent to Mr. Doucette; that $100.00 be paid to Mr. Doucette, and that $200.00 be paid to the Whycocomagh Band Council."

Board of Inquiry Settles Racial Discrimination Complaint

A Black woman applied for a position as a cleaner with a maintenance company. At the interview she was advised that she was a successful candidate and would be contacted soon to be given a starting date. The company did not contact her as promised.

The woman lodged a complaint with the Human Rights Commission. During the investigation the company took the position that it had not hired her because of poor references from a government official. When contacted the official denied this. The company stated further that employees who were to be terminated had, in fact, not been and, therefore, there was no vacancy to be filled. The investigating officer found that the employees were kept on for a period of time but subsequently terminated. At that point the company hired other new staff.

Failing conciliation attempts to resolve the complaint the matter was referred to a Board of Inquiry. The complaint was settled at the board hearing. The company gave the complainant a written apology and paid her $575 as compensation. It also undertook to employ her for the next vacancy in the area. In return the complainant executed a full and final release of her claim against the company.

The company also agreed to enter into an affirmative action program with the assistance of the Human Rights Commission.

Black United Front vs Barry Bramhill

The Black United Front lodged a complaint alleging that Mr. Barry Bramhill had published and distributed buttons with the photograph of a Black person and containing the words "I'm a Big Mouth Cape Bretoner — So Kiss Me". Mr. Bramhill had, BUF alleged, discriminated against or indicated an intention to discriminate against members of the Black community because of their race and/or colour in violation of Section 12(1) of the Nova Scotia Human Rights Act.

The Commission was unable to resolve the complaint and accordingly referred the matter to the Minister in charge of the administration of the Human Rights Act who appointed Dean W.H. Charles of the Dalhousie Law School to hold a public inquiry into the matter. Dean Charles, in his decision stated that "testimony was provided by many members of the Black community, clearly stating that the uniform reaction of Blacks to the button was one of anger, shock, outrage and indignation." He also referred to the evidence of Dr. Dan Hill, former Chairman and Director of the Ontario Human Rights Commission from 1962 to 1971, who "expressed the view that the button had the effect of promoting latent discrimination as well as active discrimination".

Dean Charles stated that "it appears from the testimony of Mr. Bramhill, that he was anxious to capitalize financially upon the effect of certain statements made in the House of Assembly about Cape Bretoners by the Attorney General for Nova Scotia."

Mr. Bramhill indicated that he had contacted Mr. Goudge, a professional designer, to assist him with the production of the buttons. Mr. Goudge stated that he "consulted various trade magazines looking for a human face, something pleasant". He conceded that the picture was that of the well-known Black female singer, Bessie Smith, but stated that he did not think of it as the face of a Black woman. Mr. Bramhill and Mr. Goudge designed a card to accompany the button. The card carried an extract from the House of Assembly debates: "The trouble is, there are too many people in Cape Breton like that, with a big mouth and no mind".

Dean Charles held that "the button, in combination with the card, conveys the idea that Black persons in general or female Black persons in particular, are stupid. The button thus emphasizes a distinguishing characteristic of a negative type. Taken in the historical context of the Black as a racial minority, it goes beyond bad taste and mere offensiveness. Such a statement might for example, very well tend to activate latent prejudice and indirectly affect employment opportunities for Blacks".

The counsel for the respondent argued that there was an absence of intention to discriminate. Dean Charles stated that "officers of the Human Rights Commission appear to have been convinced that Mr. Bramhill did not intentionally try to distribute the discriminatory material." Dean Charles held that "an intention to discriminate is not necessary in order for there to be a violation of the Human Rights legislation".

It was also submitted on behalf of the respondent that Section 12(1) of the Human Rights Act went beyond the legislative competence of the provincial legislature because it affected the freedom of speech. Dean Charles held that "neither freedom of speech nor freedom of the press represent absolute freedoms." He pointed to the fact that provincial anti-defamation legislation already existed which to some extent regulated freedom of speech. He cited with approval Chief Justice Rinfret that "to interpret freedom as licence is a dangerous fallacy."

The board of inquiry held that although Mr. Bramhill did not intend to discriminate he had violated Section 12(1) of the Human Rights Act by distributing the button. Mr. Bramhill was ordered to submit a letter of apology to the Commission with an assurance respecting his future willingness to comply with the provisions of the Human Rights Act and to return to the Commission all the balance buttons in his possession for destruction.

Janice Edith Miller et al vs Board of Trustees, Digby Regional High School

A board of inquiry into charges of race discrimination at Digby Regional High School ended without hearing testimony when an agreement acceptable to all parties to the complaint was reached.

Judge Nathan Green of Halifax was appointed to act as a one-man board of inquiry into complaints, by Black students and parents, of discrimination in the provision of educational services and facilities.

Fifteen individual complaints and three class action suits alleged racial discrimination on the part of the Board of Trustees, Digby Regional High School. Five of the complaints were filed by former Black students of the school, five were filed by Black students currently enrolled and five by parents or guardians of Black students.

The eight-point agreement called for the following:

1 The school board and the N.S. Human Rights Commission would convene, as soon as possible, a meeting between the complainants and the school administration and a similar meeting between the parents of Black students at the school and the school administration.

2 A liaison committee comprised of representatives of the Black and White communities, the school board, Commission and teachers, as well as the superintendent of schools and the principal, would be established to oversee implementation of the agreement and to encourage communication to improve the human rights climate in the community. It would also deal with the problems relating to name-calling, graffiti and course streaming.

3 Teachers and administrators of the school would attend eight hours of in-service training in the next school year and sessions would also be held for the parents of students at school.

4 A Black teacher would be recruited by the school with the help of the Commission for the 1978-79 school year.
5 A human rights conference for students and teachers would be held at the school in the next school year, to be organized by the Commission.
6 A curriculum advisory committee would be formed to begin work immediately to look at placing material on the history of Blacks and other minority groups in the school curriculum.
7 The school board would provide tutorial facilities for students during the summer and the next school year.
8 The implementation of the agreement would be monitored by the Commission, the school board and the local branch of the N.S. Teachers Union until the end of the 1978-79 school year when Judge Green would review the progress made and submit a report to the parties to the complaint.

"We may all be grateful that reason has prevailed in this highly sensitive, emotional situation," Judge Green said. "I think it crucial that the parties be most circumspect as to the manner in which they receive this settlement. If the respective parties feel that they each have a victory, this settlement is doomed to failure."

Affirmative Action — Bell-wether Issue in Human Rights

The Commission's Original Affirmative Action Guidelines, 1972

1 Issue a written statement to all supervisory employees, making clear the company's equal employment policy. Publicize it to employees, recruitment sources, and the community at large.
2 Make specific written assignments of responsibility for implementation of the policy and require regular progress reports.
3 Review the placement pattern by job and department to ensure that the policy is being carried out.
4 Include non-discrimination clauses in collective agreements.
5 In "Help Wanted" ads, state "Equal Opportunity Employer".
6 Employ members of minority group communities in personnel.
7 Dialogue with voluntary organizations, churches, etc. that serve the minority community, to make employment needs known.
8 Send recruiters to career days at schools attended by large numbers of minority students.
9 Display the Nova Scotia Human Rights Scroll where applicants and employees will see it.
10 Examine hiring qualifications and standards at the entry level to ensure they are in line with the actual job performance required. Don't inflate standards.
11 Ensure that testing practices are not outmoded or unfair to minorities.
12 Review training classes to ensure minority group participation.
13 Select qualified minority workers and women for trainee positions that lead to skilled, supervisory and executive jobs.
14 Co-operate with the Human Rights Commission in building an equal employment climate in business and the community.

"Be it resolved that members of the Black United Front of Nova Scotia fully endorse the programs of Affirmative Action initiated by the Human Rights Commission. We believe that these programs will go a long way in correcting the discrepancies in the area of employment as far as Black people are concerned."

Resolution passed by 1972 Trifunction Convention of Black United Front.

Affirmative Action Agreements 1972-1982

1	Maritime Tel & Tel (Renewal 1977)	1972
2	Public Service Commission of Canada	1973
3	Sobeys Limited	1974
4	Aerovox (Canada) Limited	1974
5	Zellers (N.S.) Limited (Renewal 1979)	1974
6	Cape Breton Development Corporation (DEVCO)	1975
7	Civil Service Commission of Nova Scotia	1975
8	Innkeepers Guild of Nova Scotia	1976
9	Corporation of the Town of Glace Bay	1976
10	Metropolitan Stores Limited	1977
11	Yellow Cab Limited	1977
12	Metro Security Limited	1977
13	W. H. Schwartz & Sons Limited	1977
14	Town of Truro	1978
15	Polymer International Company Limited (Truro, Nova Scotia)	1978
16	College of Cape Breton	1978
17	St. Francis Xavier University	1980
18	Bordeaux Maintenance Limited	1980
19	Association of Professional Placement Agencies & Consultants (N.S. Chapter)	1981
20	Dunbar Enterprises Limited	1981
21	Latimer Construction Limited	1982

Basic Steps to Effective Affirmative Action in Employment Programs

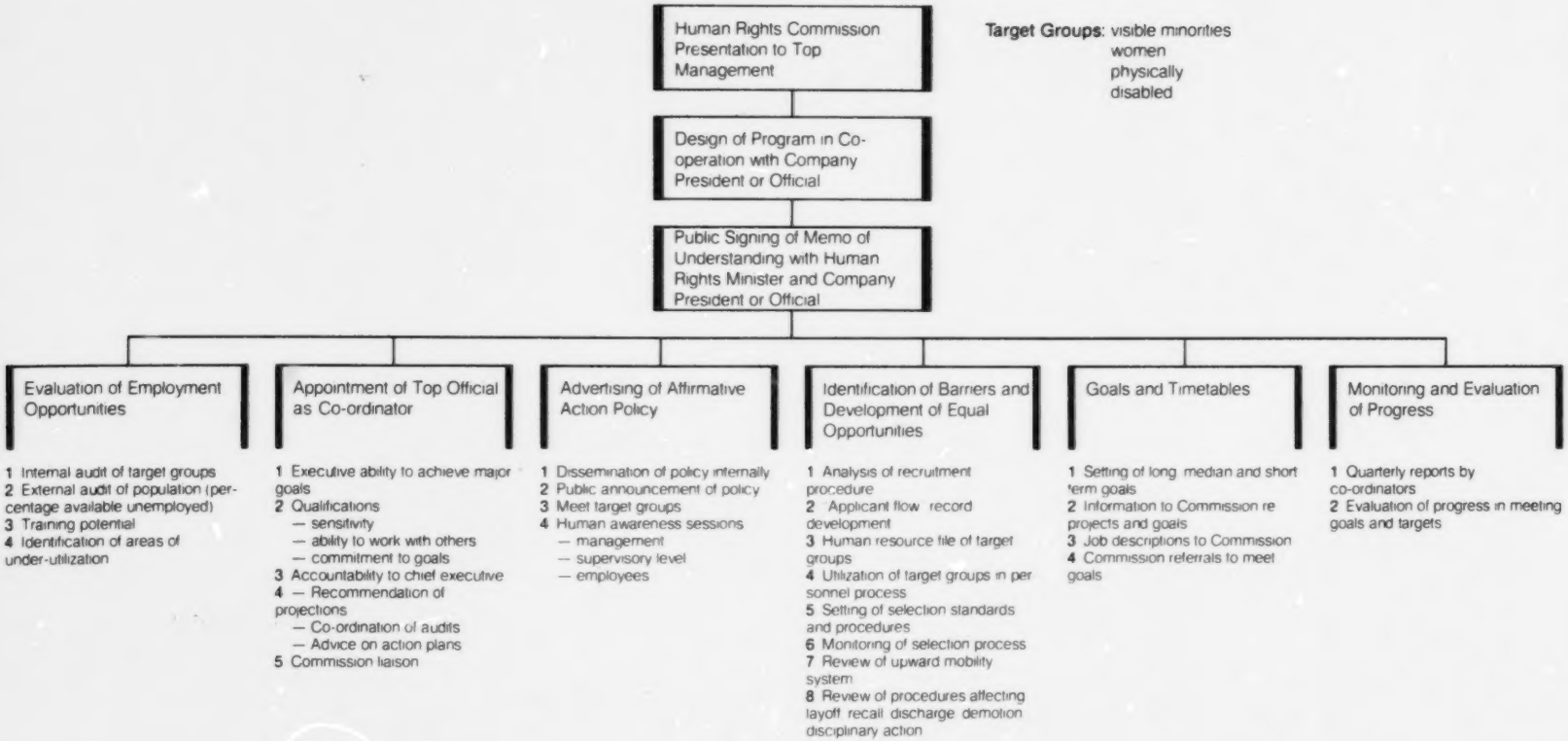
(available on request from the Nova Scotia Human Rights Commission)

Affirmative action is a remedy designed to eliminate systemic discrimination against minorities, the disabled and women. If unlawful discrimination were only a matter of individual prejudice or bigotry, the concept of affirmative action would not have come into being.

However, minorities, the disabled and women have been systemically excluded from participation in economic, educational and employment opportunities for hundreds of years, both by law and custom. As a result of this history of exclusion, our country's institutions have almost automatically conferred advantages on non-minorities and men, and imposed disadvantages on racial and ethnic minorities, the disabled and women. The affirmative remedial action is a temporary means of overcoming this institutional pattern of discrimination.

Affirmative action in employment programs should be designed to implement programs that will assure equal and fair treatment for all present or prospective employees regardless of race, religion, creed, colour, sex, age, physical handicap or ethnic or national origin.

Affirmative Action is a Remedy


Human Rights Commission Presentation to Top Management
Design of Program in Co-operation with Company President or Official
Public Signing of Memo of Understanding with Human Rights Minister and Company President or Official
Target Groups: visible minorities
women
physically disabled
Evaluation of Employment Opportunities
1 Internal audit of target groups
2 External audit of population (percentage available unemployed)
3 Training potential
4 Identification of areas of under-utilization
Appointment of Top Official as Co-ordinator
1 Executive ability to achieve major goals
2 Qualifications
— sensitivity
— ability to work with others
— commitment to goals
3 Accountability to chief executive
4 — Recommendation of projections
— Co-ordination of audits
— Advice on action plans
5 Commission liaison
Advertising of Affirmative Action Policy
1 Dissemination of policy internally
2 Public announcement of policy
3 Meet target groups
4 Human awareness sessions
— management
— supervisory level
— employees
Identification of Barriers and Development of Equal Opportunities
1 Analysis of recruitment procedure
2 Applicant flow record development
3 Human resource file of target groups
4 Utilization of target groups in personnel process
5 Setting of selection standards and procedures
6 Monitoring of selection process
7 Review of upward mobility system
8 Review of procedures affecting layoff recall discharge demotion disciplinary action
Goals and Timetables
1 Setting of long median and short term goals
2 Information to Commission re projects and goals
3 Job descriptions to Commission
4 Commission referrals to meet goals
Monitoring and Evaluation of Progress
1 Quarterly reports by co-ordinators
2 Evaluation of progress in meeting goals and targets

Renewal of Zeller's Agreement

Officials of Zeller's Limited department store joined the Nova Scotia Human Rights Commission in the signing of a renewed affirmative action in employment agreement on December 10, 1979. The agreement reaffirmed the Company's commitment to expand employment opportunities for minorities, women and physically handicapped workers. The first affirmative action agreement was signed with Zeller's in 1974.

The official signing took place at Province House, shortly before the Premier's signing of the Human Rights Day Proclamation, Honourable Kenneth Streatch, Minister in charge of the Administration of the Human Rights Act, and Dr. W.A. MacKay were signatories on behalf of the Nova Scotia Human Rights Commission, while D.F. Zeller, Regional Director, Zeller's Maritimes; and Ron Leitch, District Manager signed the agreement on behalf of the company. Zeller's District Manager said, "We think the program has shown increasing progress over the past five years, and consider it to be in the best interest of human rights to extend our commitment to a more result-oriented program."

Zeller's operates 14 stores in Nova Scotia and employs approximately 1,200 employees.

Nova Scotia Human Rights Commission Newsletter January 1980

Zeller's (N.S.) Limited Action Plan

To increase participation of minorities, women and the physically disabled in the workforce.

Rationale
The memorandum of understanding is predicated on the belief Zeller's can provide increased opportunity and participation for minorities, women and the physically disabled through the programmatic approach.

The principle of affirmative action is clearly established in the memorandum of understanding. Implementation requires identification of methods and procedures to make the program result oriented.

Objective
Formulation and acceptance of policies, strategies and procedures in affirmative action which demonstrate the commitment of senior management to the program.

Action Plan (Activities)
1 Establish the number of referrals from the Nova Scotia Human Rights Commission to respective stores during 1981 and measure against successful placements. (1/18/82)
2 Require all managers to complete a form, approved by senior management, indicating the status of various target groups to be employed in development of recruitment targets in co-operation with the Co-ordinator of Programs. (2/1/82)
3 Recruitment targets should be established for all trainee positions for 1982. (2/12/82)
4 Meeting with affirmative action committees at Truro and Antigonish, to be arranged by Nova Scotia Human Rights Commission, to hear their concerns and discuss action plans. (Before March 1, 1982)
5 Human awareness sessions for managers and senior personnel for all stores integrated into company training programs. (By 6/11/82)
6 The evaluation committee shall meet during the last week of each quarter for the purpose of evaluating progress in the action plan. Long term projections would be considered through this procedure.

Evaluation Criteria
1 Referrals and placements completed by . . .
2 Recruitment targets established by . . .
3 Recruitment targets for training positions completed by . . .

Memorandum of Understanding

Between
St. Francis Xavier University

And
The Nova Scotia Human Rights Commission

Re:
Policy on Human Rights and Affirmative Action

1 Policy Statement
It is the policy of St. Francis Xavier University to provide equal employment in every important phase of University life. St. Francis Xavier University does not discriminate against any person because of race, national or ethnic origin, colour, religion, sex, age, marital status, physical handicap.

It is the responsibility of St. Francis Xavier University through its President, Board of Governors, Faculty and Administrative Officers to provide equal employment opportunity to all qualified persons.

2 Executive Responsibility
The coordination, implementation and review of an affirmative action program for St. Francis Xavier University shall rest with the President.

3 Affirmative Action Advisory Council
The Affirmative Action Advisory Council shall have representation from the University's employee groups, which shall include, where possible, individuals who represent minorities, women and the physically handicapped.

(A) Affirmative Action Advisory Council Membership
- 2 members appointed by the University Faculty
- 1 C.B.R.T. member appointed by its executive
- 1 C.U.P.E. member appointed by its executive
- 2 members representing visible minorities and women recommended by the Antigonish Human Rights Affirmative Action Committee
- 2 members appointed by the President
- 1 student appointed by the student council
- 1 member nominated by the Nova Scotia Human Rights Commission
- 1 member from the University office support staff elected by the University Personnel Advisory Committee

(B) Terms of Office
1 The Chairperson shall be elected at the first meeting of the Advisory Council.
2 The Council as first established shall set regulations as to rotation of membership, quorum, etc.
3 The terms of office shall be one or three years for all council members.

(C) Functions
1 The Council shall advise and recommend to the President on policy matters relating to affirmative action programs.
2 The Council may seek assistance, except in the case of faculty positions, from the Human Rights Commission regarding the application of group inventories to projected needs.
3 The Council shall periodically review projections and inventories and the extent to which imbalances have been corrected by these procedures.

4 Employee Recruitment and Training
St. Francis Xavier University employment and training opportunities are open to all qualified persons without regard to race, marital status, religion, creed, colour, sex, age, physical handicap, ethnic or national origin. Specified qualifications for positions shall be those which have direct relationship to the services to be rendered.

Personnel procedures, applications and other employment forms and records will be reviewed periodically to ensure compliance with the Human Rights Act of Nova Scotia.

5 Student Housing
St. Francis Xavier University prohibits advertising listing or other communication by any agent of the University or by any other upon

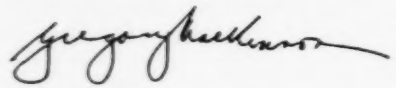
the premises of the University of any student housing accommodations, where there is evidence of discrimination against any persons, in respect of occupancy because of race, religion, creed, colour, age, physical handicap, ethnic or national origin or sex. The University reserves the right to maintain separate male and female residences.

6 Publication
A copy of this statement shall be distributed to University personnel and shall be available, upon request, to any interested party.

The University shall display the Nova Scotia Human Rights Scroll where candidates and employees can see it.

The University shall state "Equal Opportunity Employer" in help-wanted ads.

Hon. Kenneth Streatch



Gregory A. MacKinnon
President
St. Francis Xavier University

Antigonish, N.S.
December 5, 1980

14 Affirmative Action Community Committees are now active across the province. The committees work at the community level to encourage the development of affirmative action plans in education, employment and housing. Their membership includes representatives from municipal governments, labour, management, the clergy, the education system and racial and ethnic communities. Working on minimum grants from the Commission, this cross section of the population involves the major sectors of the community in positive dialogue and action to create a climate of respect for the dignity and rights of all Nova Scotians.

Resolution — Antigonish Municipal Council, 1972:

Whereas:
It is recognized that remedial actions, as sweeping as the causes and dimensions of disturbances of past weeks, are necessary to prevent polarization taking place to create further tension and potential for violence in our Community, and

Whereas:
There has been much talk about "we" and "they"; but no matter where we live in this Community, no matter who we are or what we do, it isn't to be "we" and "they" — it must be "we" in the future of Antigonish, and

Whereas:
"We" must develop communication, continuing dialogue, with and between all segments of Antigonish, in particular seeking to bridge the color gap and all of the other barriers which prevent open communication and understanding, and

Whereas:
The need to listen and try to understand the long unheard needs and frustrations of the inhabitants of the Black Community should be at the top of our priorities.

Therefore, be it Resolved
1 That Council should take the first important step toward free and unstructured dialogue and affirmative action, to improve relationships, by establishing a "Community Committee on Human Rights", in consultation with the Nova Scotia Human Rights Commission and the Black United Front of Nova Scotia.

2 That the new body would be a working body, not window dressing, comprising citizens whose leadership of business and industry, university, church and others represents a potential resource and shall include representation from Council and those who could report

Signatories to the Zeller's affirmative action agreement in Province House, 1979.

Signatories and witnesses to the 1980 St. Francis Xavier University Affirmative Action Agreement.

firsthand on the fears and aspirations of the Black community.
3 That it would provide co-ordination and stimulation in Human Rights, wherever needed, and become "the focal point for total Community action", and be given flexible mandate to identify its own priorities and targets and set its own timetables.
4 That the Committee shall organize conferences, sponsor and otherwise support other activities designed to involve citizens and organizations in the struggle to develop specific programs for employers, news media, schools and church organizations, etc.
5 That the Community Committee would not perform a funding function but, instead, bring into contact with potential sources of support and financial assistance.

"This resolution is one of the most important documents the Town Council has ever considered."

Colin Chisholm
Mayor of Antigonish

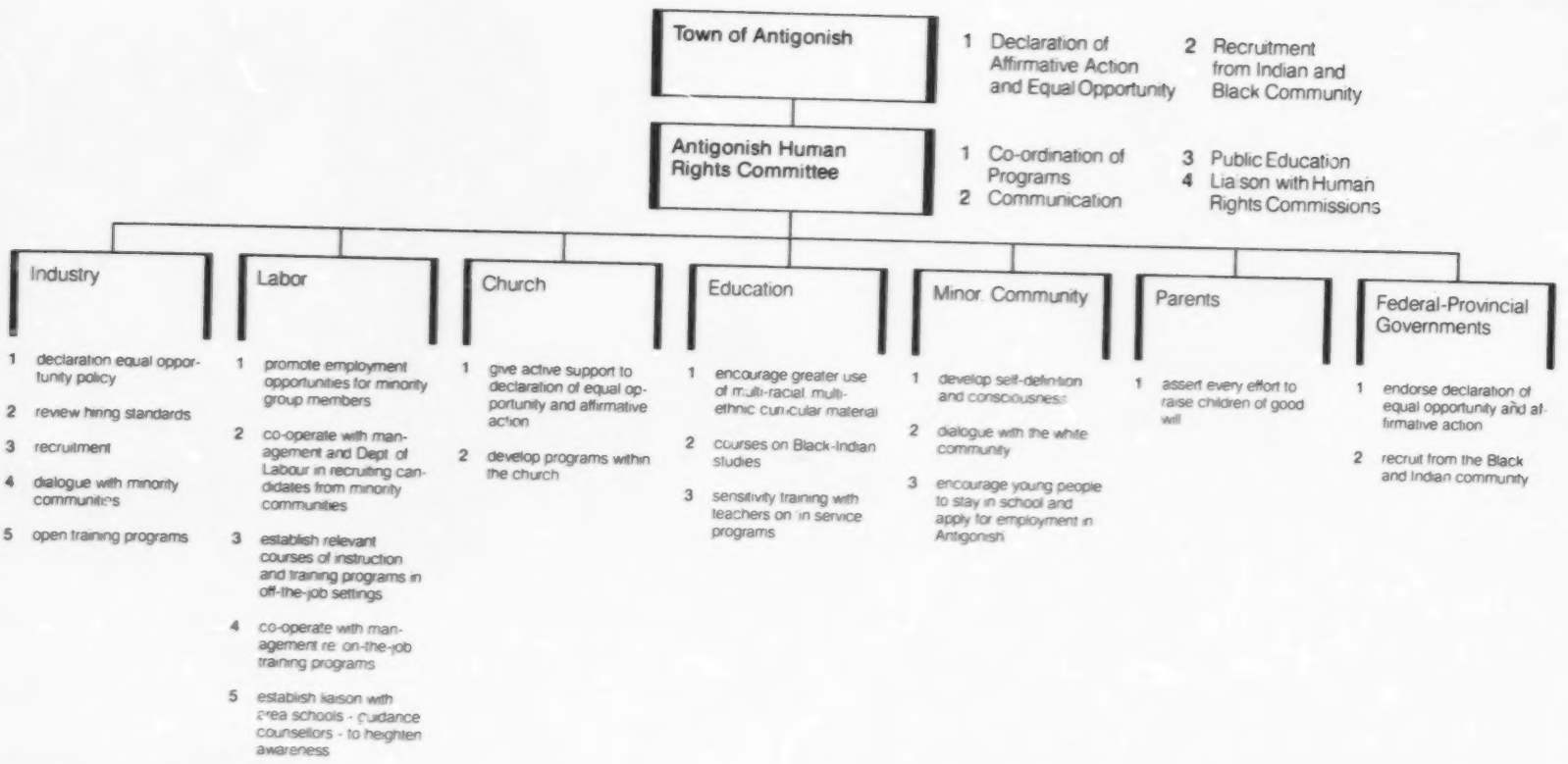
Goals of Affirmative Action Committees

1 While the Human Rights Affirmative Action Committee is responsible for having the goals defined and should provide the form for which this is done, the entire community should be involved in the process, so that it will not seem that a few people have imposed their objectives upon the community.
2 The goals should be defined in terms of broad interest and the general good of all the people and not in the terms of narrow and specific interests of a particular group.
3 To start, the goals should be fairly obvious, widely acceptable, and general. There should then be steady progress toward the more specific, more difficult and more controversial goals.

Committee Planning

It is apparent to all serious observers that Human Rights problems are intricately intermeshed with the problems of the economic system, unemployment, poverty, limited cultural attainment, public education, mental health, slums and urban renewal. The planning process should, therefore, be broader than the concerns of the committee. The principal elements to be found in the program plan should include the following:
1 Public education — including schools.
2 Economic opportunity.
3 Housing and residential discrimination.
4 Community relations — reduction of tensions, promotion of respect for law and order, and wholesome police-community relations.
5 Municipal policy and practices.
6 Public accommodations.
7 Recreation.

First Affirmative Action Committee — 1972


Town of Antigonish
1 Declaration of Affirmative Action and Equal Opportunity
2 Recruitment from Indian and Black Community
Antigonish Human Rights Committee
1 Co-ordination of Programs
2 Communication
3 Public Education
4 Liaison with Human Rights Commissions
Industry
1 declaration equal opportunity policy
2 review hiring standards
3 recruitment
4 dialogue with minority communities
5 open training programs
Labor
1 promote employment opportunities for minority group members
2 co-operate with management and Dept of Labour in recruiting candidates from minority communities
3 establish relevant courses of instruction and training programs in off-the-job settings
4 co-operate with management re on-the-job training programs
5 establish liaison with area schools - guidance counsellors - to heighten awareness
Church
1 give active support to declaration of equal opportunity and affirmative action
2 develop programs within the church
Education
1 encourage greater use of multi-racial multi-ethnic curricular material
2 courses on Black-Indian studies
3 sensitivity training with teachers on in service programs
Minor Community
1 develop self-definition and consciousness
2 dialogue with the white community
3 encourage young people to stay in school and apply for employment in Antigonish
Parents
1 assert every effort to raise children of good will
Federal-Provincial Governments
1 endorse declaration of equal opportunity and affirmative action
2 recruit from the Black and Indian community

Municipal Proclamation International Human Rights Day 1981

Whereas: The United Nations was born in an atmosphere of hope and prayer, 1948, conceived as an alternative to conflict, and dedicated to solving international problems of an economic, social, racial, political, cultural or humanitarian character, and in promoting respect for human rights and fundamental freedoms for all, and

Whereas: The United Nations has called upon all member nations to mark the 33rd anniversary of the Universal Declaration of Human Rights, December 10th, 1981, in a fitting manner to strengthen and encourage the cause of human rights, and

Whereas: Canada's commitment to the promotion of universal respect for and observance of human rights is manifested in comprehensive human rights legislation and ratifications of international human rights covenants and conventions against discrimination, and

Whereas: The people of this municipality have responded positively to international efforts to promote understanding and development of human rights through the "Decade for Action to Combat Racism and Racial Discrimination" (1973-83), "Decade for Women" (1975-85) and "International year of the Child" (1979), and

Mayors and wardens throughout Nova Scotia observed the 33rd anniversary of the signing of the United Nations Universal Declaration of Human Rights on December 10, 1981. In proclamation signing ceremonies the day was declared International Human Rights Day in their municipalities.

Whereas: Nova Scotians are now participating in meaningful activities, to promote higher standards of living, full employment accessibility, and conditions of economic and social progress for the disabled, in recognition of "International Year of the Disabled Person, 1981, and

Whereas: The Province of Nova Scotia supported Canada's ratification this year of the International Convention on the Elimi-

Representatives of the Province's ethnic, religious, women's and disabled groups gathered with municipal dignitaries in Province House to witness the signing of the Premier's proclamation declaring December 10, 1981 Human Rights Day in Nova Scotia.

nation of all Forms of Discrimination Against Women, to ensure equal rights with men in the fields of education, employment, health care, marriage and family and,

Whereas: Discrimination harms not only those who are its objectives but also those who practice in it,

Now, Therefore, We do hereby proclaim December 10th, 1981, to be "Human Rights Day" and do urge all of our citizens to solemnly affirm the necessity of eliminating discrimination in all its forms and manifestations, and the promotion of friendly relations and co-operation among all people of our community.

December 8th, 1981

Warden Elizabeth Lawrence
County of Halifax, N.S.

Mayor Daniel P. Brownlow
City of Dartmouth, N.S.

Mayor Ron Wallace
City of Halifax, N.S.

A number of conferences on labour and human rights have been held in the province in the past decade. Participants are shown at the 1978 conference which was jointly sponsored by the Human Rights Commission and the Nova Scotia Federation of Labour.

Public Education — Cornerstone of Human Rights

Nova Scotia Human Rights Act — Section 18

Section 18 The Commission shall

(a) administer and enforce the provisions of this Act;
(b) develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour or ethnic or national origin;
(c) conduct research and encourage research by universities and other bodies in the general field of human rights;
(d) advise and assist government departments and co-ordinate their activities as far as these activities concern human rights;
(e) advise the government on suggestions, recommendations and requests made by private organizations and individuals.
(f) cooperate with and assist any person, organization or body concerned with human rights, within or outside the Province;
(g) report as required by the Minister on the business and activities of the Commission;
(h) consider, investigate or administer any matter or activity referred to the Commission by the Governor in Council or the Minister.

Public Education

The Nova Scotia Human Rights Commission has the mandate and responsibility to educate the public on and assist the public in matters relating to human rights. The Commission responds to the public through a wide range of activities.

1 By implementing and developing programs of public information and education, the Commission endeavours to bring about public attitudinal change to human rights issues.
2 By means of press releases, newsletters, pamphlets, research publications, advertising and the provision of audio-visual aids, the Commission provides a continuing flow of information on human rights.
3 By carrying out public speaking engagements, participating in conferences and workshops and through a liaison program with other human rights commissions, ethnic and minority groups, the Commission works effectively to promote human rights and minority group issues.
4 By co-ordinating school and community conferences, the Commission implements attitudinal change in the education system and the community as a whole.
5 By the provision of library and research services, the Commission assists members of the public in the study of human rights issues.
6 By implementing or conducting research, the Commission brings about a broader public awareness of specific human rights issues relating to visible minorities, women and the disabled.

School Conferences

Since 1974 the Commission has held Human Rights Conferences in schools throughout Nova Scotia. Student participation and input is maximized in the planning sessions, through the delivery of speeches, the promotion of essay, poem and poster contests and a reporting system in which students comment on their classroom sessions and human rights issues. A total of 86 conferences have now been held in Nova Scotia schools at both the elementary and secondary levels.

In 1981 Antigonish Regional Junior High School was the setting of the 83rd in the series of human rights conferences for schools.

Sine MacKinnon covered the conference for Antigonish's newspaper, the Casket. She had a special interest in the week's events. In 1977 Ms. MacKinnon participated as a grade 9 student in the school's one-day conference on human rights. She said she sees a

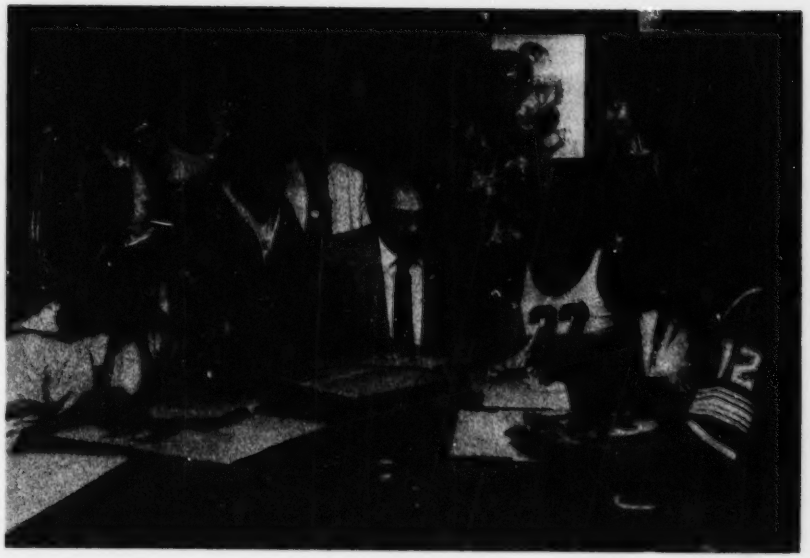
difference in students' attitudes today. Their awareness has increased, she believes, mainly because of the efforts of the Human Rights Commission. Students now are not afraid to voice opinions. They have more courage to stand up for causes they believe in. Through values education and sociology courses her school gave her a solid background of information on human rights issues. She believes conferences such as these are a good idea. 'They should be an annual event in the schools.' she said. 'This particular conference generated an in-depth idea of what discrimination really is and how far-reaching its effects are.'

Nova Scotia Human Rights Commission Newsletter December 1981.

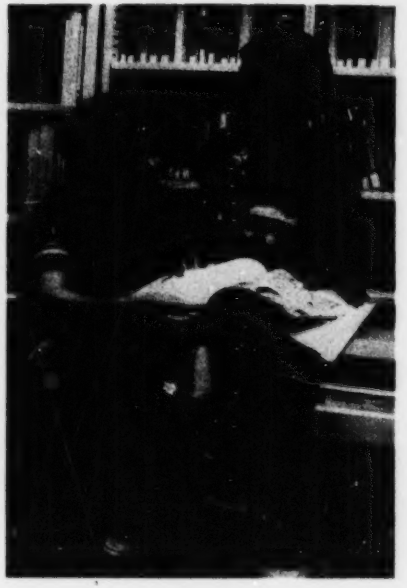
'In the early days, the Indians saved many white men from scurvy and famine, and in return, had their land taken away from them.' — Lorelle Gillis, Mt. Carmel Elementary School, October 20, 1980.

'The experience of the Japanese during the second world war is probably the worst single example of the oppression of a Canadian minority group by the combined forces of public opinion and the government.' — Les Wong, New Glasgow High School, November 3, 1978.

'Black people have been overlooked in our history books' — Beverley Dixon-Lennett, Caledonia Junior High School, February 1, 1982.



'Have you ever been in line in a store, and an adult was waited on before you even though you were there first?' — Lisa Kerley, Armbrae Academy, March 15, 1979.



'Let us all realize the potential of the female population and work together to achieve greater things, with the co-operation of both sexes.' — Judy Steele, Grade 12, St. Michael's High School, Glace Bay, September 26, 1977.

The Library

'The handicapped people are saying that there should be rails in the washrooms.' — Ronnie MacInnis, Upper Musquodoboit Consolidated Elementary School, February 9, 1981.

Services
The Nova Scotia Human Rights Commission Library, established in 1970, forms a vital part of the Commission's public education program. It serves all age levels and interests. Those who are able to do so are encouraged to visit the Commission and make use of its collection. Assistance is not limited to the Halifax area alone. Requests are received from all over the province as well as other parts of Canada. Help for school projects, university studies and community research is available by phone or mail and requests are quickly responded to.

The Collection
In addition to a book and journal collection, the library maintains an extensive reference file. Through clippings and articles selected from journals across Canada, the researcher is able to obtain up-to-date information on subjects relating to human rights. The activities of other human rights commissions are covered along with those of minority groups, women, the disabled, community organizations and other relevant topics.

School Kits
As part of the Human Rights Commission's school conference program, the library has been called upon to produce kits of information for the schools. These kits, which are constantly being

up-dated with current news items, are available for use in the schools under librarians' or teachers' supervision.

Publications
Pamphlets outlining the work of the Commission are available from all Commission offices. A monthly newsletter is sent to over 2,000 individuals and organizations. Publications researched and published by the Commission are also available.

Speakers
Commissioners, officers and resource people respond to invitations from schools and community groups to speak on all aspects of human rights.

Library Hours
The library is open Monday to Friday, 8:30 a.m. - 4:30 p.m.

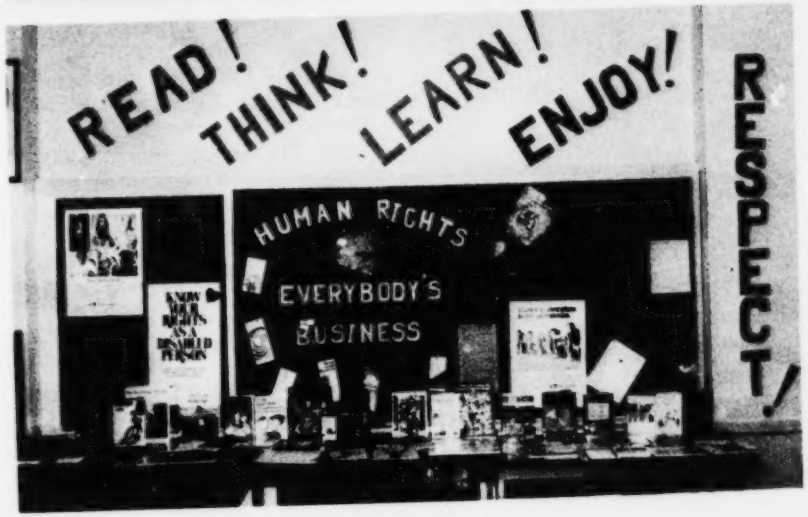
Research Publications Published by Human Rights Commission

1 Visible Minorities in Nova Scotia: A Call for Equality. 1973
2 Black Community Profile: New Glasgow, Nova Scotia. 1973
3 Focus: Lucasville, Hammonds Plains and Cobequid Road. 1974
4 Pictorial on Black History: Nova Scotia. 1974
5 Textbook Analysis: Nova Scotia. 1974
6 Women and Credit. 1975
7 Sexism in School Textbooks. 1976
8 Women and Advertising. 1979

Resource persons from Nova Scotia's Micmac population play a key role in carrying the human rights message to students in the province's schools.

Research carried out by students provides valuable input towards the publication of the Commission's research studies.

Student displays set the tone for many of the Human Rights Conferences in the schools.



Joint Human Rights and Education Committee

The Joint Human Rights and Education Committee meets and discusses issues relating to human rights and education under the co-chairmanship of the Deputy Minister of Education, Gerald McCarthy, and Director of the Nova Scotia Human Rights Commission, George F. McCurdy. Its priorities include:

(a) examination and monitoring of present textbooks and materials,
(b) recommending materials related to minority cultures, women and disabled,
(c) development of human rights materials and programs, and
(d) influencing teacher training.

The Human Rights Commission was represented on the Sub-committee on Learning Materials. In 1981 the Committee published its "Guidelines to Eradicate Prejudice, Bias and Stereotyping in Textbooks." The guidelines have been distributed to all persons who review textbooks for the Department of Education prior to their inclusion in the school curriculum.

International Women's Year, 1975, focused public attention on women's rights and issues.

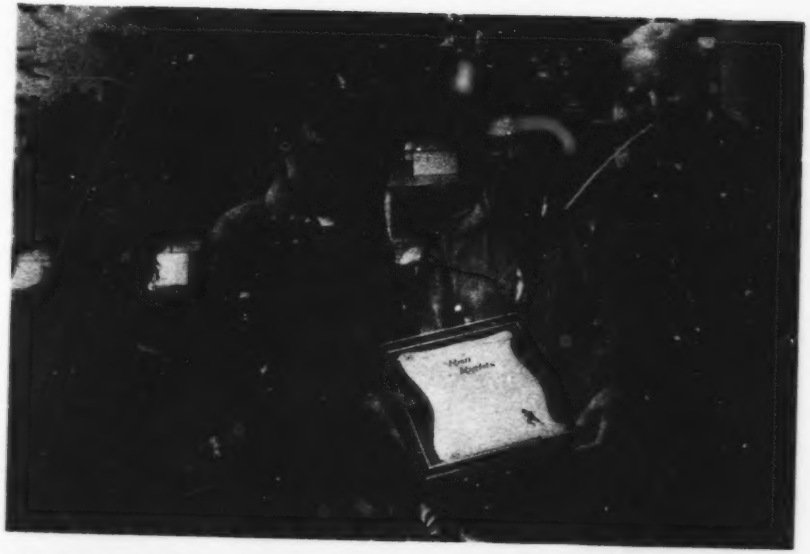
1979 International Year of the Child

The Nova Scotia Human Rights Commission hosted a province-wide essay contest to mark the International Year of the Child. Winners representing elementary, junior and senior high schools received their awards at a ceremony at Province House on December 10th. The date commemorated the 31st anniversary of the signing of the United Nations Universal Declaration of Human Rights.

1979, International Year of the Child. An essay contest was sponsored by the Human Rights Commission. Winners received their awards at a special presentation ceremony at Province House.

Student winners of a poster contest receive their prizes from the Minister in charge of the administration of the Human Rights Act.

In 1978 Digby marathon runner Vernon Simms hit on a unique way to focus attention on human rights in the province. Carrying a scroll from the Black communities of Digby, Acadiaville and Conway, Vernon ran the 180-mile distance from Digby to Halifax. The scroll was presented to the Premier at the end of the run in Halifax.



Representatives of the disabled have actively promoted their rights throughout the province.